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INDIANS — RIGHT OF UNITED STATES TO SUE TO CANCEL CONVEYANCES MADE BY INDIANS CONTRARY TO STATUTE. — The United States by its Attorney General brought suit to cancel certain conveyances, made by Indians, of lands allotted to them under a statute which provided that such lands should be inalienable. *Held*, that the United States has capacity to sue. *Heckman v. United States*, 32 Sup. Ct. 424. See NOTES, p. 733.

INJUNCTIONS — ACTS RESTRAINED — RETENTION OF PUBLIC OFFICE BY CLAIMANT ACQUIRING POSSESSION FORCIBLY. — A constitutional provision consolidating two municipalities provided that the old charter of one of them should govern, as far as applicable, until the adoption of a new charter. The supreme court held the latter, first invalid, and then valid. Between the two decisions, the plaintiff was elected assessor under the old charter. One month after the second decision, and while the plaintiff continued to act, the defendant, claiming to be assessor under the new charter, forcibly deprived the plaintiff of the rooms and books of the assessor. *Held*, that the plaintiff is entitled to an injunction against their retention by the defendant. *Arnold v. Hills*, 121 Pac. 753 (Colo.).

Quo warranto is the appropriate remedy to try title to public office. *King v. Mayor of Colchester*, 2 T. R. 259. So, generally, such title cannot be determined in chancery proceedings. *People v. District Court*, 29 Colo. 277, 68 Pac. 224. However, on analogy to the jurisdiction of equity to enjoin a continuing trespass to tangible property, a claimant of an office should be subject to be enjoined from interfering with the one in possession of the office until the title has been tried at law. This is clearly true when the plaintiff is the *de jure* officer. *Poyntz v. Shackelford*, 107 Ky. 546, 54 S. W. 855. Similarly, if he is the *de facto* officer. *Seneca Nation of Indians v. Jameson*, 62 N. Y. Misc. 91, 114 N. Y. Supp. 401. Or if the defendant is *prima facie* not entitled to the office. *Hotchkiss v. Keck*, 86 Neb. 322, 125 N. W. 509. So, even though the court expresses no opinion as to the plaintiff's right to the office. *Rhodes v. Driver*, 69 Ark. 606, 65 S. W. 106. The court can make the injunction perpetual, if the rights of the parties are clear. *Elliott v. Burke*, 113 Ky. 479, 68 S. W. 445. An injunction will issue, though the plaintiff had previously ousted the defendant from possession. *Scott v. Sheehan*, 145 Cal. 691, 79 Pac. 353. But some courts, without determining the rights to the office, mandatorily enjoin, as in the principal case, a retention of possession which was taken by force. *Brady v. Sweetland*, 13 Kan. 41; *Blain v. Chippewa Circuit Judge*, 145 Mich. 59, 108 N. W. 440. This extension is not warranted by the analogy of trespass to tangible property and appears unnecessary under the circumstances of the principal case.

INSANE PERSONS — LIABILITY IN CONTRACT — RECOVERY OF MONEY ADVANCED TO LUNATIC. — A depositor became insane. The bank arranged with his son to continue the account and permit the son to draw checks as his father's agent. At the time of the lunatic's death, there was a considerable overdraft, which had been used to pay creditors for necessities. *Held*, that the bank is subrogated to the interest-bearing claims of these creditors, although it cannot recover directly either the money loaned or compensation for services. *In re Beavan*, [1912] 1 Ch. 196. See NOTES, p. 725.

INTERSTATE COMMERCE — CONTROL BY CONGRESS — RELATION OF FEDERAL EMPLOYERS' LIABILITY ACT TO INTRASTATE COMMERCE. — The plaintiff's intestate, employed by the defendant to switch cars moving in interstate and intrastate commerce indiscriminately, was killed while moving an intrastate train. *Held*, that the plaintiff may recover under the federal Employers'